

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CHARLES L. HESS, PRO SE,	§	
POTTER COUNTY ID No. 77900,	§	
	§	
Plaintiff,	§	
	§	
v.	§	2:08-CV-0176
	§	
Sheriff MIKE SHOEMAKE,	§	
Lt. NFN TURNVILLE, Mr. NFN PEREZ, and	§	
OFFICERS,	§	
	§	
Defendants.	§	

ORDER OF DISMISSAL

Plaintiff CHARLES L. HESS, acting pro se and while detained in the Potter County Detention Center, filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-referenced defendants and was granted permission to proceed *in forma pauperis*.

On February 12, 2010, a Report and Recommendation was issued by the United States Magistrate Judge analyzing plaintiff's claims and recommending the instant cause be dismissed with prejudice as frivolous.

The period for objections has expired, and plaintiff has failed to file objections to the February 12, 2010, Report and Recommendation.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that the instant cause is DISMISSED WITHOUT PREJUDICE FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk shall send a copy of this order to plaintiff and to any attorney of record. The Clerk shall also mail copies of this order to TDCJ-Office of the General Counsel, P.O. Box 13084, Austin, TX 78711; and to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

IT IS SO ORDERED.

Signed this the 12th day of March, 2010.

/s/ Mary Lou Robinson
MARY LOU ROBINSON
United States District Judge